
TITLE 312 NATURAL RESOURCES COMMISSION

Economic Impact Statement
LSA Document #07-735**IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses****Estimated Number of Small Businesses Subject to this Rule:**

The Indiana Department of Natural Resources (DNR) estimates that the proposed rule in [312 IAC 9-4-2.5](#) will impose requirements on an estimated 12 small businesses that breed and sell mute swans. The proposed rule will require the business to pinion the swan by the age of six weeks, keep it in an enclosure that prevents its escape into the wild, keep an inventory of all mute swans possessed, and issue receipts for all mute swans sold, traded, loaned, bartered, or gifted. The proposed rule amendment associated with [312 IAC 9-10-16](#) will impose restrictions on approximately five small businesses that currently have dog training ground permits. The amendment will restrict the amount of land that can be used under this permit and clarify that it cannot be used for a commercial purpose, such as a shooting preserve. The other proposed amendments contained within this package do not impose any additional costs or requirements upon small businesses.

The Natural Resources Commission has the authority to promulgate rules in accordance with the requirements found in [IC 14-22-2-6](#) and [IC 14-10-2-4](#).

Estimated Average Annual Reporting, Record Keeping, and Other Administrative Costs Small Businesses Will Incur for Compliance:

There are minimal administrative costs imposed upon small businesses as a result of the rule governing the possession and sale of mute swans ([312 IAC 9-4-2.5](#)). The rule includes the requirement to keep an inventory of all mute swans possessed and issue a receipt when a swan is sold, traded, loaned, bartered, or gifted. It is estimated that each business may spend one hour per month completing the inventory and issuing receipts, totaling \$80 per year (one hour per month times \$8 per hour).

There are no new administrative reporting, record keeping, or other administrative costs for small businesses to comply with the rule changes governing the dog training ground permit ([312 IAC 9-10-16](#)).

Estimated Total Annual Economic Impact on Small Businesses to Comply:

The DNR estimates that there will be a minor economic impact on some small businesses as a result of compliance with the proposed rule in [312 IAC 9-4-2.5](#) and the amendments to [312 IAC 9-10-16](#). The estimated amount of time to fulfill the administrative work is expected to be minimal for small businesses that sell mute swans. The small businesses that have dog training ground permits may have a minor economic impact by the limitation on the number of acres that they can use as a dog training ground and the possibility of requiring them to get a shooting preserve license, which costs \$100 per year.

Justification Statement of Requirement or Cost:

The requirements for the new rule governing the sale of mute swans in [312 IAC 9-4-2.5](#) are needed to prevent mute swans, which are not a native species, from escaping into the wild and to prevent them from becoming a nuisance. Mute swans eat the same food as native waterfowl, thereby reducing the amount of food available for native species of ducks and geese, and sometimes even driving them away from that area. Mute swans can also become very aggressive when defending their nests and attack people, especially on public freshwater lakes.

The restrictions for the rule amendments governing the dog training ground permit are needed to clarify the size of the land that can be used as a dog training area and clarify that the ground cannot be used as a commercial operation, such as a shooting preserve. Several dog training ground permit holders are using these areas as shooting preserves, possibly violating state statute in [IC 14-22-31](#), and bypassing county ordinances for shooting preserves. The free dog training ground permit was established to allow individuals and their friends and relatives to train their dogs by allowing them to shoot captive-reared bobwhite quail and ring-necked pheasants. Small businesses that want to allow their employees to use the dog training ground without charging a fee will still be able to do so, but they will not be able to advertise the dog training area and charge people to use the property to train their dogs without obtaining a shooting preserve license.

Supporting Data, Studies, or Analyses: The number of small businesses was obtained from the DNR, Division of Fish and Wildlife's list of dog training ground permit holders and the U.S. Fish and Wildlife Service's list of individuals with waterfowl sale and disposal permits for mute swans.

Regulatory Flexibility Analysis of Alternative Methods:

Explanation of Preliminary Determination: In [312 IAC 9-4-2.5](#), the requirements for small businesses that possess and sell mute swans could be reduced with one of the following options:

- (1) Not require the inventory of swans possessed or the issuance of receipts when swans are sold, traded,

loaned, bartered, or gifted.

(2) Only require one or the other – either the inventory or the receipt.

(3) Not require either the inventory or the issuance of receipts.

The DNR would not be able to exempt small businesses from this proposed rule or make any changes to the proposed rule for small businesses. If small businesses were exempt or not required to keep an inventory of their mute swans, the DNR would not have a means of knowing who possesses and sells mute swans. The DNR does not want mute swans released into the wild where they can affect native waterfowl and create problems for individuals on public freshwater lakes due to their aggressiveness. Furthermore, the DNR is not requiring a report, permit, or fee for these small businesses.

In [312 IAC 9-10-16](#), governing dog training ground permits, the restrictions for small businesses could be reduced with one of the following options:

(1) Allow small businesses to use dog training grounds as commercial operations.

(2) Allow small businesses to have multiple dog training areas on one contiguous tract of land.

(3) Allow small businesses to have dog training areas that are larger in size than 20 acres.

The DNR would not be able to exempt small businesses from these proposed rule changes because the rule would then not be fair, consistent, and enforceable for all permit holders. Small businesses can switch to a species of bird that is not protected, such as feral pigeons, or obtain a shooting preserve license from the DNR. The DNR also believes that there is not a need to have more than 20 acres in order to train dogs and take captive-reared bobwhite quail and ring-necked pheasants. Furthermore, the DNR cannot have a rule that contradicts state statute, and there is already a requirement for a shooting preserve license in [IC 14-22-31-1](#) and a requirement for a field trial permit in [IC 14-22-24-1](#) for those particular activities.

Supporting Data, Studies, or Analyses: The DNR did not rely on any studies, supporting data, or analyses in its decision not to employ alternatives to these proposed rules.

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